

support to see that that transition occurs. Now, it may not occur exactly as we like.

One of the provisions says you must have free elections within 2 years. I wish it was 6 months. I wish it were the next day. What happens if it is 2½ years and not 2 years, or 2 years, 2 months? It is that kind of detail that is in this bill, Mr. President. That is not smart. That is not wise. That is not prudent. I do not know of any other place where we provided this kind of language.

Imagine the Philippines if we tried that. Imagine if we tried it, as I said, in all of these New Independent Republics that have emerged. Our ability to weigh in and create that kind of transition would have been severely hampered had we been required to meet the standards we are going to be adopting in this legislation if my amendment is not approved.

Now, I do not know, again, how this will come out politically. But I hope my colleagues would look and just read the sections 205, 206, and 207. They go on for some pages. Some require "shall," others "should," in the transition.

Last, and it gets into this same area, the settlement of outstanding U.S. claims. And here the language, Mr. President, is pretty emphatic in the bill.

No assistance may be provided under the authority of this act to a transition government in Cuba.

And then it goes on for a page or two here talking about how we resolve these outstanding claims.

Mr. President, I hope that happens. I do not think any U.S. citizen who has property confiscated anywhere in the world ought not to be compensated. But we have now 38 countries in the world, including Cuba, where United States citizens' property has been expropriated, and we are in the process of trying to get those individuals compensated for that property.

Some of the countries where that occurs are very strong allies of ours. Germany is one, I point out. We now have diplomatic relations with Vietnam. The list is lengthy, 38 countries.

We never said before we could provide any assistance to those countries until those claims and matters are all settled, and yet that is what we do with this legislation. We are saying we cannot provide under this—the language very specifically in section 207, "Settlement of Outstanding U.S. Claims to Confiscated Property in Cuba," section (A), paragraph 1:

No assistance may be provided—

The assumption is that you are going to set up a mechanism to resolve these claims, again no matter how meritorious they may be, and have that control our foreign policy interests, which would be, I presume, to support the transition to get aid to people to try to establish a presence there and assist that process. To have it totally linked to claims issues, where we do not do

that even among our allies around the globe, seems to me to be going too far. It just goes too far.

Again, I realize with everything else going on around here that the attention on something like this may not seem like much to people. I just think it is bad policy, Mr. President, to have this kind of detailed step-by-step requirement that you have to meet and then absolutely hamstringing not just this administration, but future administrations, from being able to move intelligently and rapidly to try to shore up a government that will follow Fidel Castro.

Again, I emphasize to my colleagues, none of these provisions has anything to do with the present government in Cuba—not one thing to do with it. It is all about the government that comes afterward. It seems to me we ought to be trying to figure out a way how we can play the most creative role in that transition, to try to move that process toward a democratically elected government as quickly as we can—as quickly as we can. And yet, before we can do that, we now have to go through a series of hoops that will make it very, very difficult for us to respond creatively and imaginatively to a situation that has gone on far too long.

So, Mr. President, I will not dwell on this any longer. I made the point, I hope, and I urge my colleagues to look at these sections of the bill. Some, as I said, are more advisory. Others absolutely demand certain things occur. They can go through and read which is which. It seems to me we ought to stick with the paragraph I read earlier on in my statement, and that is that we provide the kind of flexibility in allowing the Cuban people to determine for themselves what it is that they would like to have as that new government.

We may not decide to support it. It may not meet our standards and we will act accordingly, but the best policy is the one that is included as a preamble to this section, and the preamble to this section is one that every single person in this country, let alone in this body, can support, and that is the policy of the United States to support the self-determination of the Cuban people and be impartial to any selection of the Cuban people as to their government. It is their choice. If they want to make a bad choice, that is their right. We do not have to support it, but that is their right if they so desire.

The idea, then, that we are going to detail in painful minutiae every step that must be met, I think is a mistake. Again, I am not quarreling myself with any provisions here necessarily. There are things I support and I believe make sense. But to spell out as a roadmap what they have to follow in great detail before we can provide any kind of help down there is a mistake, and I urge the adoption of the amendment.

Mr. President, I withhold the remainder of my time.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. HELMS], is recognized for 20 minutes.

ORDER OF PROCEDURE

Mr. HELMS. Mr. President, the distinguished President of Estonia waits without in the Vice President's Office. I desire to present him to the Senate, and I shall do so, and I shall go and invite him to come in. In the meantime, I suggest the absence of a quorum, the time to be charged to neither side.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY THE PRESIDENT OF ESTONIA, LENNART MERI

Mr. HELMS. Mr. President, I am honored to present to the Senate the President of Estonia, the distinguished Lennart Meri.

RECESS

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes, so that Senators and staff can greet our distinguished guest.

There being no objection, the Senate, at 11:06 a.m., recessed until 11:13 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CAMPBELL).

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. As I understand it, I have 20 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. On the two amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Mr. President, I will not use all that time. I will reserve some. When the Senator from Connecticut is willing, we will yield back what remains of our time.

Mr. President, Senator DODD's amendment proposes to delete from the pending bill any guidance and recommendations to the President from the Congress of the United States as to what constitutes a transition or democratic government in Cuba. I am a little surprised at the thrust of the amendment. But I respect the Senator, although I disagree with him.

The administration has maintained that the President should retain flexibility to deal with the situation in

Cuba once a transition begins. So the beginning trouble with this amendment is that it is in conflict not only with the bill itself but with the administration itself.

As the Libertad bill was drafted, we took the administration's concerns into account, and we agreed that any parameters not be "overly rigid," to quote from an administration statement on the House bill. But we also agreed that Congress should speak as to what constitutes sufficient change in Cuba to merit any support or aid from the United States.

So the result is that the pending bill gives the President of the United States, whomever he may be, a great deal of latitude in making the determination required before—before—any United States aid can begin to flow to a new Cuban Government.

I am not aware that the administration has any problems with the way the pending legislation is drafted. But let me be clear about what is in the Libertad bill. The only specific requirement, Mr. President, that a transition government must meet before United States aid is released is that the Government has legalized political activity, released all political prisoners and allowed for access to Cuban prisons by international human rights organizations. It also stipulates that the Cuban Government must have dissolved the state security and secret police apparatus, and agreed to hold elections within 2 years of taking power and has publicly committed, and is taking steps, to resolve American property claims.

The pending bill contains several additional factors that the President is asked—not required, but asked—to take into account when determining whether a transition or democratic government is in power in Cuba.

Mr. President, Congress offers this type of guidance to the President all the time on various matters. This is not out of the ordinary, nor is it some legislative straitjacket. So that is why I have a little bit of difficulty understanding how anybody could oppose asking, before we give away the United States taxpayers' dollars, that a Cuban Government allow political activity, free political prisoners, dissolve the secret police, and agree to take care of American citizens' property claims. I must ask, what is wrong with that?

As for the property requirements, the President can waive them if he determines that it is in the vital national interest of the United States to do so. This is consistent with existing restrictions on aid to Cuba in section 620(a) of the Foreign Assistance Act.

Now, I find it ironic that Senators would come to the floor, expressing concerns about the Libertad bill, ostensibly in the name of certified property claimants, and then turn around and want to strike a provision that reaffirms the need for Cuba to remedy past wrongs. Whose interest is really being protected by removing this Libertad

section? It doesn't appear to be the interests of the property claimants.

It is clearly within Congress' power to set out conditions on providing aid to other nations—we do it all the time. However, the Libertad bill acknowledges that the President will need flexibility in responding to Cuba's political evolution. The language in the Libertad bill represents a balance between these interests and should be retained, and that is why I will move to table the Senator's amendment.

Mr. President, I reserve the remainder of my time, pending Senator DODD's discussion of his other amendment.

I am advised, Mr. President, that Senator DODD has no further comment on his amendments. Is it fair for me to assume that he yields back the remainder of his time? If staff would please inquire of Senator DODD.

Mr. President, while we are waiting, on occasions like this, when important legislation is being considered, I wonder what the reaction of those who come to visit the Senate is with respect to so few Senators being on the floor. The answer to that is that Senators are tied up in committee meetings all over this complex. I, myself, had to get away from a committee meeting to be here to manage this bill and to discuss Senator DODD's amendment.

So I say to our guests that not only do we welcome them, but we beg their understanding that Senators are working; they are just not working here at the moment.

Mr. President, I suggest the absence of a quorum, the time not being charged to either side.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I have been advised—Senator DODD has conveyed to me his desire that his remaining time be yielded back if I yield mine back. I so do.

The PRESIDING OFFICER. All time is yielded back.

Mr. HELMS. Mr. President, I want the Chair to correct me if I am wrong, but there will be one vote on the two Dodd amendments; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I ask unanimous consent that it be in order for me to ask for the yeas and nays en bloc.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Now, Mr. President, that leaves Senator SIMON's amendment on which a time agreement is already in place.

The PRESIDING OFFICER. The Senator is correct.

EXPLANATION OF CHANGE OF VOTE ON CLOTURE

Mr. HEFLIN. Mr. President, when the Senate first voted October 12 on the cloture petition relative to H.R. 927, the Dole-Helms Cuba sanctions bill, I voted no. Like most of my Democratic colleagues and some Republicans, I strongly opposed title III of the bill as written because of its detrimental effect on U.S. Federal courts. Indeed most of our debate over the last few days on the bill has focused on title III's provisions allowing suits to be filed against companies that acquired property confiscated by the Castro regime after it took power in 1959.

This provision of the measure flouted international law, threatened already severely overburdened courts with costly new litigation, and jeopardized our relations with major trading partners who do business with Cuba. If adopted, this provision would have exponentially expanded the pool of persons in the United States seeking compensation from the Cuban Government for their claims. There could be tens or even hundreds of thousands of persons who would be eligible to file such lawsuits.

While no one knows for certain how many lawsuits could have been filed under title III, if even a fraction of those newly eligible did so, it would prove costly to the Federal courts and greatly complicate the tasks of resolving claims and assisting Cuba's economic recovery once the Castro regime is gone.

After that first cloture vote, I discussed these issues during private conversations with several of my colleagues who supported the measure, including Senator HELMS, and by the time of the second vote on October 17, I had obtained assurances that title III would be substantially modified or eliminated entirely. Therefore, I was able to support cloture when the second vote occurred.

I am happy that we were able to reach a compromise on this legislation which allowed the third cloture vote to succeed on a solid bipartisan vote of 98 to 0 after the announcement that title III would be stricken from the bill.

Mr. PELL. Mr. President, I believe all my colleagues agree on the goals of United States policy toward Cuba—promoting a peaceful transition to democracy, economic liberalization, and greater respect for human rights while controlling immigration from Cuba. Where some of us clearly differ, however, is on how we get there. Despite the changes that have been made to the pending legislation, I believe that it continues to take us further away from achieving these goals. I believe, therefore, that this legislation is contrary to U.S. national interests.

We should undertake policy measures to enhance contact with the Cuban people, because that will serve United States national interests; namely, the fostering of the peaceful transition to democracy on that island.

In my view, greater contact with the Cuban people will plant the seeds of

change and advance the cause of democracy just as greater exchange with the West helped hasten the fall of communism in Eastern Europe.

I think it is naive to think that the measure before us today is going to succeed in forcing Castro to step aside, where all other pressures have not. However, the measures proposed in this bill do have the serious potential of further worsening the living conditions of the Cuban people and once again making a mass exodus for Miami an attractive option. Taken to its most extreme, this bill could even provoke serious violence on the island.

This legislation is even more problematic than earlier efforts to tighten the screws on Castro. I say this because its implications go well beyond United States-Cuban relations. It alienates our allies and tie the administration's foreign policy hands.

Contact and dialog between Havana and Washington will bring about democracy on the island of Cuba, not isolation and impoverishment. Perhaps if we took that approach, our allies would be more likely to support our policy with respect to Cuba. Today we are virtually alone.

The Helms-Burton bill has gone through a number of changes since it was first introduced. In fact, Senator HELMS' substitute amendment differs in a number of areas from the House-passed bill. However, no version to date resolves the fundamental problem I have with the direction it takes U.S. policy. For these reasons I will vote against this bill and urge my colleagues to do so as well.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, in order to save a little time, my distinguished colleague from North Carolina desires to address the Senate, and he understands that Senator SIMON is on his way to discuss his pending amendment.

I ask that the Senator from North Carolina [Mr. FAIRCLOTH] be recognized for the purpose of addressing the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina [Mr. FAIRCLOTH] is recognized.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROMISES TO VOTERS

Mr. FAIRCLOTH. Mr. President, in the closing months of the first session of this 104th Congress, I rise to remind

my colleagues of some promises which were made to voters last November.

You may ask why I should be addressing this issue when we have so much work that remains to be done on the budget, but I do so because I am surprised that we have forgotten some fundamental principles about economic growth which we so clearly articulated last year.

Those who embrace these basic truths are now in the majority. The consequence of abandoning that message of hope and opportunity could be profound for the American people.

Many of our colleagues are hard at work trying to balance the Federal budget. This is a necessary and a difficult job. The American people rightly expect us to balance the budget and we must not disappoint them.

In our zeal to put our financial house in order we must not forget why we are doing this in the first place.

I offer this reminder: We are balancing the budget because deficits are a tax on the American people. Today's debt is a tax levied not only on taxpayers, but it is levied on future generations.

We do not usually speak of budget deficits as taxes, but they are. That is very simply what they are. Deficits are taxes.

Who among us would support imposing taxes on our children and grandchildren? Yet every time we vote for deficit spending, we do very simply that.

If the deficit is a tax, then the solution is not an additional tax. The problem is that we are spending money that we do not have on programs we do not need.

The answer is simple. That is, to stop the spending.

Who among us is really convinced that we need to raise taxes to balance a budget? None of us. President Clinton supported the largest tax increase in American history and he now admits that it was wrong.

Yet our national debt continues to grow out of control. While President Clinton has been focused on new ways to take hard-earned money away from the American taxpayers, I believe that we in Congress should focus on ways to drastically decrease spending and allow taxpayers to keep more of their money. The answer is to cut spending.

I regret that I have begun to hear some of my colleagues in both bodies and on both sides of the aisle talk about raising taxes. I regret even more the manner in which they talk about raising them. Just as the deficit is a tax which we do not dare call a tax, a new term, a new euphemism has been invented to hide a new tax increase. The new tax is hiding behind the call to end corporate welfare, a term whose meaning has been distorted.

When the Government levies a tax and then uses that revenue to subsidize certain industries or such activities, it is accurately described as corporate welfare.

Unfortunately, we are now using the term "corporate welfare" to describe instances where we have simply chosen not to levy a tax. In other words, a tax we have not voted on. The corporations of this country are now being called corporate welfare simply because we have not levied the tax.

Have we been here in Washington so long that we have forgotten the difference between a subsidy and a tax? It is not a subsidy to allow a corporation to keep more of the money it has earned so that it can reinvest that money, which creates jobs, pays dividends to all shareholders, including large institutional investors responsible for protecting the pension funds of America.

The Federal Government does not own the American people's money. It does not own their land, their homes or their income. Failure to tax is not corporate welfare.

For us to say we are doing the American people some sort of favor by not taxing some aspect of their livelihood is the very height of political and governmental arrogance. We should not hide behind Washington doublespeak and call it corporate welfare.

If we decide to raise the tax, let us call it what it is—a plain and simple tax increase. Let us not say that we are ending corporate welfare when we are, in fact, raising the taxes on the corporations of America.

I find nothing noble in raising taxes. It misses the point of what we are trying to do in the first place.

I campaigned on spending cuts and tax cuts. Closing certain corporate tax breaks certainly increases taxes. The time to address these tax breaks is when we are engaged in comprehensive tax reform such as a flat tax. Now is not the time to rewrite the corporate Tax Code. Now is not the time to impose an arbitrary retroactive tax increase on companies and, more importantly, on their employees who participate in a corporate-owned life insurance policy purchased after 1987.

The only reason some are discussing tax increases now is because we failed to make serious cuts in Government spending and in corporate subsidies. We failed to downsize, eliminate, or privatize boondoggles such as the Export-Import Bank, the International Trade Administration, and the Overseas Private Investment Corporation.

The CATO Institute has identified more than 125 corporate welfare subsidy programs which cost taxpayers over \$85 billion in subsidies this year alone. This is true corporate welfare. These are subsidies which we should be attacking. We need to make clear and distinct the difference between a subsidy and a tax increase. We should not be talking about tax increases until we have eliminated indefensible corporate cash subsidies.

As you know, I strongly support dramatic reform in our Social Security social welfare programs. The worst of these programs simply uses tax dollars